

### REMARKS

Claims 1-16 remain pending in the application. Claims 17-33 were previously withdrawn. Claims 1-16 stand rejected. The specification stands objected to. Applicant is amending claim 1 in the Claim Listing above. Claims 76-78 are being added. No new matter is being introduced by way of the amendments.

#### **Remarks Regarding Rejections Under 35 U.S.C. § 132 and § 112, first paragraph**

In part 5 of the present Office Action, claim 1 as amended in the Amendment filed 10/10/05 was rejected under 35 U.S.C. § 132 as allegedly containing new subject matter. In part 7, the specification was objected to under 35 U.S.C. 112, first paragraph. Further, in part 8 of the present Office Action, claims 1-16 were rejected under 35 U.S.C. § 112, first paragraph as containing subject matter not described in the specification. Although Applicant believes that the subject matter claimed in previously amended claim 1 was at least disclosed in the drawings of the originally filed application, Applicant is amending claim 1 in the Claim Listing above to delete the language introduced in the amendment filed on 10/10/05 for purposes of expediting prosecution. Accordingly, Applicant respectfully submits these rejections are now moot and respectfully requests that the rejections under 35 U.S.C. § 132 and § 112, first paragraph be withdrawn.

#### **Remarks Regarding Claim Rejections under 35 U.S.C. § 103**

In parts 9 and 10 of the present Office Action, Claims 1-11 and 14-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,897,620 to Walker et al. ("Walker") in view of "Hawaiian Air to Offer Tickets Through ATMs" by Wall Street Journal ("Hawaiian Air").

Applicant is amending claim 1 in the Claim Listing above to recite:

a processor ... configured to:  
communicate actual flight information, via a network, to the customer to present actual flights offered by the participating airlines ...; [and] receive, from the customer, flight selection information corresponding to one of the presented actual flights; ...

Support for the amendment in claim 1 may be found at least in FIG. 4 and page 17, line 2 through page 18, line 14 and may also be found in FIG. 5 and associated description in the originally filed specification.

Walker discloses a system by which, in exchange for airfare discounts, customers afford airlines with a degree of flexibility to place the customers aboard flights to fill seats that would otherwise remain empty (col. 3, lines 24-27; Abstract). Walker presents an example whereby a customer affording the airlines with a wider "window of departure" (e.g., 8 AM to 8 PM) associated with a special fare listing will receive a greater discount (col. 5, lines 11-15).

In the example, Walker uses an "unspecified-time ticket" as a mechanism for customers to interact with the system, where an unspecified-time ticket is defined by Walker at col. 4, lines 50-55 as "an official airline ticket that represents a seat on an actual flight to be determined later, by the airline 100, for a traveler-specified itinerary including the origin and destination locations together with the travel dates." After an airline books an unspecified-time ticket, the airline issues the actual flight information (col. 14, lines 2-6), which is the time the traveler learns the actual flight selected by the airline. In other words, the customer is never presented with actual flight choices and, therefore, cannot select a flight of his choice because the airline or system makes the flight selection for the customer.

Thus, Walker does not teach or suggest a processor configured as recited in Applicant's amended claim 1 ("communicate actual flight information ... to the customer ...; [and] receive, from the customer, flight selection information corresponding to one of the presented actual flights").

Hawaiian Air discloses a system by which it sells an "open ticket" to a customer for a future flight via bank ATM machines. The customer later uses the open ticket by contacting Hawaiian Air to book a flight on the airline (paragraph 3).

The combination of Walker and Hawaiian Air does not teach or suggest the invention as recited in Applicant's amended claim 1. Walker's system must select the flight for the customer or there would be no price advantage afforded to the customer, thus defeating the purpose of Walker's system, and Hawaiian Air's open ticket cannot be used in Walker's system because, again, the purpose of Walker's system would be defeated.

Accordingly, because the invention as recited in Applicant's amended claim 1 is not taught or suggested, Applicant respectfully requests that the rejection under 35 U.S.C. 103(a) be withdrawn.

Because claims 2-16 depend from claim 1, these claims should be allowable for at least the same reasons.

In addition to the above arguments, Applicant maintains arguments set forth in previous amendments regarding reasons why Walker and Hawaiian Air cannot be combined to produce a system as now claimed.

Claims 12-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of U.S. Patent No. 5,953,705 to Oneda.

Oneda is directed to a ticketless system in which airline ticket information may be stored in an integrated circuit (IC) and the traveler may use the IC when checking in for a flight. Oneda, however, fails to address the shortcomings of Walker with respect to amended independent claim 1 as described above. Therefore, claims 12 and 13 under 35 U.S.C. 103(a) should be allowable for at least the same reasons as claim 1. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. 103(a) of claims 12 and 13 be withdrawn.

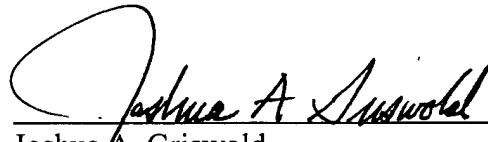
Claims 76-78, which each depend from claim 1, are being added. Support for these claims is provided in the originally filed application with regard to FIG. 4 and the associated description. These claims should be allowable for at least the same reasons as claim 1.

In view of the above, and for other reasons clearly apparent, Applicant respectfully submits that the Application is in condition for allowance, and requests such a Notice.

If the present Application is not allowed and/or if one or more of the rejections is maintained or made final, Applicant hereby requests a telephone conference with the Examiner and further requests that the Examiner contact the undersigned attorney to schedule a telephone conference.

Enclosed is a Petition for One-Month Extension of Time, along with a check in the amount of \$60 to cover the extension fee. Please apply any deficiencies or any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

Respectfully submitted,

  
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